

2013 MONTANA LEGISLATURE  
House Natural Resources Committee, March 18, 2013

**SB262 – An Act Prohibiting the Department of Environmental Quality (DEQ) from investigating certain anonymous reports of environmental violations**

**Department of Environmental Quality  
John Arrigo, DEQ Enforcement Division Administrator**

The prohibition on initial investigations of anonymous reports *applies* to the following laws administered by DEQ.

Public Water Supply Law	Opencut Mining Act
Sanitation in Subdivisions Act	Metal Mine Reclamation Act
Motor Vehicle Recycling and Disposal Act	Septic Disposal and Licensure Act
Comprehensive Environmental Cleanup and Responsibility Act	Major Facilities Siting Act
Clean Air Act of Montana – Incinerators, H <sub>2</sub> S Standards & Mercury Rules	UST Installer & Inspector Licensing and Permitting Act
	Water Quality Act – Ground Water
	Megalandfill Siting Act

In order to maintain primacy of federally-approved programs, the prohibition on initial investigations of anonymous reports *does not apply* to the following laws.

Clean Air Act of Montana	Asbestos Control Act
Hazardous Waste Act	Solid Waste Management Act
Water Quality Act	Underground Storage Tank Act
Strip and Underground Mine Reclamation Act	Strip and Underground Mine Siting Act

**DEPARTMENT OF ENVIRONMENTAL QUALITY  
ENFORCEMENT DIVISION  
FISCAL YEAR 2012 (FY12) ENFORCEMENT STATUS REPORT  
JULY 1, 2011 through JUNE 30, 2012**

*The Enforcement Division (ENFD) is responsible for the implementation, coordination and tracking of Department of Environmental Quality (DEQ) enforcement activities, and for the investigation and response to spills and citizen complaints that allege impacts to human health and the environment. The Enforcement Division consists of the Case Management Bureau and the Complaint Management Section.*

**I. Complaint Management Statistics**

**Total number of complaint and spill reports received during the report period was 938.**

In an effort to delineate areas of regulatory responsibility for complaints received by the Department, a complaint type is assigned that generally relates to program authority. The Complaint Management Section is responsible for the initial investigation of all complaints to determine their validity and to ensure proper follow-up occurs (if needed). Spills being recorded are typically associated with unauthorized material releases resulting from vehicle accidents, mechanical malfunctions, or human error.

Number of Complaint/Spill Reports by Type (DEQ Program or Environmental Media) and General Group			
Air Quality - Dust	60	Spills (not impacting water)	16.2%
Air Quality - Emissions	54	Solid Waste	65
Air Quality - Odors	9	Junk Vehicles	58
Air Quality - Open Burning	24	Septic Pumpers	6
Asbestos	39	Sewage	22
Indoor Air Quality	4	Hazardous Waste	27
<b>Total Air Quality Related</b>	<b>20.3%</b>	Used Oil	10
Water Quality	93	Pesticide or Herbicide	19
Spills (impacting water)	28	Superfund	0
310 or 318 Permit	11	<b>Total Waste Related</b>	<b>22.1%</b>
Watershed Management (TMDL)	0	Abandoned Mines	0
Release of Chemicals from Tanks*	0	Strip and Underground Mining	0
Release of Chemicals from Pipelines	71	Opencut Gravel Mining	36
Municipal Wastewater Treatment Systems	4	Metal Mines	8
Underground Storage Tank Regulation	11	<b>Total Mining Related</b>	<b>4.7%</b>
Subdivisions	49		
Animal Feedlot Operation	9	<b>Major Facility Site Act (MFSA)</b>	<b>0.0%</b>
Concentrated Animal Feedlot Operations	3		
Surface Water (MPDES) Permits	7	<b>Other (Outside DEQ Authority)</b>	<b>2.2%</b>
Ground Water (MGWPCS) Permits	0		
Public Water Supply Systems	38		
<b>Total Water Related</b>	<b>34.6%</b>	<b>TOTAL FOR ALL COMPLAINTS</b>	<b>938</b>

\*Note that these are releases reported through ENFD; the Hazardous Waste Site Cleanup Bureau also receives underground storage tank leak reports directly.

**Status of complaint and spill reports received during reporting period:**

Complaint reports are sent to the ENFD for initial investigation and database entry. Referral occurs when the determination is made that the complaint falls under a specific regulatory permitting authority either within DEQ or the regulatory authority of an outside agency.

Status of Complaint/Spill Reports*	
Active (under investigation by ENFD)	269
Active Referred (to other DEQ program for investigation and follow-up)	4
Active Referred Closed (referred to DEQ program for resolution)	87
Active Enforcement Case (complaint that led to a request for enforcement action)	7
Closed (resolved by ENFD)	315
Closed by Program (resolved by other DEQ program)	35
Closed No Violation (ENFD investigation determined no violation occurred)	68
Closed Referred (referred to outside Agency for resolution)	139
Closed Not Enough Information (not enough information was provided or documented to validate)	14
	<b>938</b>

\*Status as of 6/30/12. Please note that the status of complaints and spills can change on a daily basis as work progresses.

Complaint/Spill Report Montana Dept. of Environmental Quality				Spell Check	
PLEASE FILL OUT AS COMPLETELY AS POSSIBLE		Complaint Report? Y <input type="checkbox"/> N <input type="checkbox"/> Spill Report? Y <input type="checkbox"/> N <input type="checkbox"/> Method of Receipt: Phone <input type="checkbox"/> Mail <input type="checkbox"/> Field <input type="checkbox"/> Other <input type="checkbox"/>			
Report Completed By:			Bureau/Program:		
Report Date:		Time:		Phone:	
COMPLAINANT INFORMATION		Name:		Phone:	
Address:			Zip:		Reply Requested? Y <input type="checkbox"/> N <input type="checkbox"/>
Other Agencies Contacted by Complainant:				Anonymity Requested? Y <input type="checkbox"/> N <input type="checkbox"/>	
REPORTING INFORMATION		Responsible Party (person or company):			
Mailing Address:					Zip:
Contact Person:				Phone:	
Complaint/Spill Location:				Incident County:	
Facility ID:					
Driving Directions:					
Detailed Site: T ___ R ___ Section ___ 1/4Sec. ___ Lat. ___ Long. ___ GIS ___					
DESCRIPTION OF INCIDENT		Date Observed:		Duration of Activity:	
Describe Complaint:					
Impact to: Soil <input type="checkbox"/> Water <input type="checkbox"/> Air <input type="checkbox"/> Other <input type="checkbox"/> Water Body Name:					
Type and Amount of Pollutant:					
MCA/ARM Violation Citation:					
INITIAL ACTIONS/RECOMMENDATIONS:					
ENFORCEMENT DIVISION USE ONLY		Complaint/Violation ID#:			
Complaint Type:		Assign:		Status:	Referred:
FITS Site Name:			Incident Site Name:		